



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
JUNE 1 and 2, 2010**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on June 1 and 2, 2010.

TUESDAY, JUNE 1, 2010—2:00 P.M.

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| (1) | S161008 | Village Northridge Homeowners Assn. v. State Farm Fire & Casualty Co. |
| (2) | S162413 | In re Morgan (Edward Patrick) on Habeas Corpus |
| (3) | S167100 | In re Zamudio Jimenez (Samuel) on Habeas Corpus |

WEDNESDAY, JUNE 2, 2010—9:00 A.M.

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| (4) | S174229 | Clark et al. v. Superior Court of Los Angeles Co. (National Western Life Ins. Co., Real Party in Interest) |
| (5) | S165522 | Barnett v. Superior Court of Butte Co. (People, Real Party in Interest) (<i>Kennard, J., not participating; Rushing, J., assigned justice pro tempore</i>) |

GEORGE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
JUNE 1 and 2, 2010**

FIRST AMENDED

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, JUNE 1, 2010—2:00 P.M.

(1) *Village Northridge Homeowners Assn. v. State Farm Fire & Casualty Co., S161008*
#08-62 Village Northridge Homeowners Assn. v. State Farm Fire & Casualty Co., S161008. (B188718; 157 Cal.App.4th 1416; Superior Court of Los Angeles County; BC265328.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: After settling a first party claim by accepting money from and executing a release of the insurer, may an insured sue the insurer for fraud in inducing the settlement and seek to avoid the release without returning the money the insurer paid?

(2) *In re Morgan (Edward Patrick) on Habeas Corpus, S162413*
#09-22 In re Morgan (Edward Patrick) on Habeas Corpus, S162413. Original proceeding. In this case, which is related to the automatic appeal in *People v. Morgan* (2007) 42 Cal.4th 593, the court ordered briefing in relation to respondent's motion for an order to show cause addressing why, under applicable principles of California law, the court should deny petitioner's requests to permit petitioner to amend the petition within 36 months after the appointment of habeas corpus counsel to include additional claims as determined by habeas corpus counsel, and to defer informal briefing on the petition filed

on April 9, 2008, until 36 months after the appointment of habeas corpus counsel, and why the court instead should summarily deny the petition.

(3) *In re Zamudio Jimenez (Samuel) on Habeas Corpus, S167100*

#09-21 *In re Zamudio Jimenez (Samuel) on Habeas Corpus, S167100*. Original proceeding. In this case, which is related to the automatic appeal in *People v. Zamudio* (2008) 43 Cal.4th 327, the court ordered briefing in relation to respondent's motion for an order to show cause addressing why under applicable principles of California law, the court should deny petitioner's requests to defer informal briefing on the petition filed on September 29, 2008, and to stay further proceedings in this matter until June 28, 2010, or the filing of an amended petition for writ of habeas corpus, whichever is earlier, and why the court instead should summarily deny the petition.

WEDNESDAY, JUNE 2, 2010—9:00 A.M.

(4) *Clark et al. v. Superior Court of Los Angeles Co. (National Western Life Ins. Co., Real Party in Interest), S174229*

#09-52 *Clark et al. v. Superior Court of Los Angeles Co. (National Western Life Ins. Co., Real Party in Interest), S174229*. (B212512; 174 Cal.App.4th 82; Superior Court of Los Angeles County; BC321681.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Is Civil Code section 3345, which permits an enhanced award of up to three times the amount of a fine, civil penalty, or "any other remedy the purpose or effect of which is to punish or deter" in actions brought by or on behalf of senior citizens or disabled persons seeking to "redress unfair or deceptive acts or practices or unfair methods of competition," applicable in an action brought by senior citizens seeking restitution under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.)?

(5) *Barnett v. Superior Court of Butte Co. (People, Real Party in Interest) (Kennard J., not participating; Rushing, J., assigned justice pro tempore), S165522*

#08-142 *Barnett v. Superior Court of Butte Co. (People, Real Party in Interest), S165522*. (C051311; 164 Cal.App.4th 18; Superior Court of Butte County; 91850.) Petition for review

after the Court of Appeal granted in part a petition for peremptory writ of mandate. This case, which is related to the automatic appeal in *People v. Barnett* (1998) 17 Cal.4th 1044 (see also *In re Barnett* (2003) 31 Cal.4th 466), presents the following issues: (1) Is an out-of-state law enforcement agency part of the prosecution team for purposes of the disclosure obligations under *Brady v. Maryland* (1963) 373 U.S. 83, if the agency's involvement is limited to providing the prosecution with previously existing records regarding a defendant's prior crimes? (2) Is a prisoner seeking postconviction discovery under Penal Code section 1054.9 required to produce evidence indicating the actual existence of the discovery material he or she is requesting? (3) Is a prisoner seeking postconviction discovery under section 1054.9 required to plead a theory indicating the materiality of the materials requested if the basis for discovery is the prosecutor's *Brady* obligation to disclose exculpatory materials? (4) Is section 1054.9 unconstitutional as an unauthorized legislative amendment to the criminal discovery scheme established by Proposition 115?